

REMARKS

Claims 1-51 are pending.

I. The Restriction Requirement and Applicant's Provisional Election

The Examiner requires restriction, under 35 U.S.C. § 121, and considers the application to contain separate and distinct inventions, directed to four groups designated Groups I-IV.

Additionally, the Examiner believes that Group I contains multiple diseases. Therefore, if Groups I is elected, the Examiner believes a single disease must be chosen for examination. See Office Action, p. 3.

In response, Applicants hereby elect, **with traverse**, Group I, claims 1-28, drawn to a method of detection, classified in class 435, subclass 7.1. Applicants also elect, **with traverse**, rheumatoid arthritis (RA) for examination.

Applicants note that upon allowance of the generic claims, claims to non-elected diseases should no longer be considered withdrawn. C.f. MPEP § 809.

II. The Search Of Additional Diseases Is Not Unduly Burdensome

Applicants traverse the restriction requirement on the grounds that the search and examination of Group I with regards to any type of arthritic disease is not unduly burdensome. According to MPEP section 803 "if a search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits... ." As the method of Group I can be used to monitor all types of arthritic diseases based on joint destruction, Applicants believe a search can be made covering multiple arthritic conditions without serious burden. In particular, as Applicants have elected Group I, with rheumatoid arthritis, it is respectfully requested that all types of arthritic conditions described in the application be considered.

III. Conclusion


The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

If there are any fees due in connection with the filing of this response, please charge the fees to Deposit Account No. 19-0741. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should be charged to our Deposit Account.

Respectfully submitted,

Date 02-13-2006

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5569
Facsimile: (202) 672-5399

 (45,943)
Stephen B. Maebius
Attorney for Applicant
Registration No. 35,264
SEAN A. PASSIWA FOR